



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/506,728	06/27/2005	Thomas Julius Borody	3800027.00002 / 3703US	7029
77202	7590	10/15/2010		
K&L Gates LLP 3580 Carmel Mountain Road Suite 200 San Diego, CA 92130				
EXAMINER				
HOLT, ANDRIAE M				
ART UNIT		PAPER NUMBER		
1616				
MAIL DATE		DELIVERY MODE		
10/15/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Examiner-Initiated Interview Summary	Application No. 10/506,728		Applicant(s) BORODY ET AL.	
	Examiner Andriae M. Holt		Art Unit 1616	

All Participants: (1) Andriae M. Holt. (3) ____.

(2) Stephanie Seidman, Attorney. (4) ____.

Date of Interview: 29 September 2010 **Time:** 2:30 pm

Type of Interview:

☒ Telephonic
☐ Video Conference
☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

Exhibit Shown or Demonstrated: ☐ Yes ☐ No
 If Yes, provide a brief description: .

Part I.

Rejection(s) discussed:

Claims discussed:

Prior art documents discussed:

Part II.

SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:

The examiner contacted Ms. Seidman to advance prosecution of the application. The examiner discussed amending the claims to place them in better condition for allowance. The amendments proposed were adding the limitations of claim 2 to independent claim 1 and deleting the newly added claims 54-57. Ms. Seidman indicated that she would have to check with Applicant. She also indicated that the newly added claims were to Applicant's commercial embodiment and requested that the examiner reconsider the proposal to cancel the claims. The examiner indicated she would have to follow-up with her supervisor. 9/30/10-The examiner contacted Ms. Seidman in reference to the newly added claims. The examiner indicated Applicant filed an amendment to the specification on 3.15.2010 that cancelled the terms, mannitol and lactulose, in the specification as degradable sugars with an explanation as to why they were consider minimally degradable sugars. Applicant, however, now does not have support for mannitol as a minimally degradable sugar in the specification. In order to advance prosecution the newly added claims would have to be cancelled due to lack of support in the Specification. Ms. Seidman requested that an Office Action with rejections be mailed.

Part III.

☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.

☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

(Applicant/Applicant's Representative Signature – if appropriate)